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EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/963,783	SHIMOJI, TADASHI	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 7-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 7-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed June 13, 2005

2. Claims 5 and 6 have been cancelled and claims 1-3 and 7 have been amended.

3. Claims 1-4 and 7-29 have been examined and are pending with this action.

4. The rejection is respectfully maintained as set forth in the last Office Action mailed January 13, 2005. Applicants' arguments with respect to claims 1-4 and 7-29 have been fully considered but they are deemed to be moot and old rejection maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1-4 and 7-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 and 7-29 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: what is being communicated, transferred, requested, and so on. to what. The claim language claims plural modules and its intended functionality for each, but lack how the plural modules are combined together to result in a system, method or program "for dynamically generating and processing a program".

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokote (US 6,105,074 A).

As per *claim 1*, Yokote teaches a system for dynamically generating and processing a program (see col.2, lines 13-20) by connecting a server computer (see col.3, lines 9-10) and at least one of a client computer (see col.3, lines 9-10) and a data processing server computer (see col.3, lines 9-10) via a network means (see col.3, lines 9-10), sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and then processing at least one unit-program for data processing (see col.17, lines 13-21), said system comprising:

a functional module storage means for storing a plurality of functional module classes is provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device"), wherein each of said functional module classes (see col.13, line 64-col.14, line 3) has a coded processing logic comprising at least a portion of the unit-program (see col.1, lines 14-20);

a configuration information storage means for storing a plurality of configuration information including at least request information to read out at least one of the functional module classes and a processing condition (implicit: see col.18, lines 33-37), said configuration information storage means being provided in the server computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device");

a definition information input means for inputting at least one definition information to declare the contents of a data processing process to be executed (see col.10, lines 45-54), said definition information input means being provided in the client

computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device");

a configuration information read-out means for reading out at least one of the configuration information corresponding to said at least one of the definition information from said configuration information storage means (implicit: see col.18, lines 33-37), said configuration information read-out means being provided in the server computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device");

a unit-program generating means for reading out at least one of the functional module classes corresponding to said at least one of the configuration information from said functional module storage means, said unit-program generating means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device"), wherein said unit-program generating means dynamically generates a unit-program by using the coded processing logic from said functional module classes (see col.2, lines 13-20 and col.17, lines 13-21); and

a unit-program processing means for dynamically executing said unit-program by using said processing condition included in said configuration information (see col.17, lines 13-21) said unit-program processing means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device").

As per *claim 2*, Yokote teaches of further comprising a configuration information request means for requesting at least one of the configuration information for executing the data processing, said configuration information request means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device"), said configuration information storage means for storing the to the configuration information corresponding data processing to be executed, wherein said configuration information have been the used for generating the data of the unit-program, said configuration information read-out means reads out the configuration information from said configuration information storage means based on the request from said configuration information request means (implicit: see col.18, lines 18-22).

As per *claim 3*, Yokote teaches a system for dynamically generating and processing a program by connecting a server computer and a client computer and a data processing server computer via a network means, sending and receiving data there between, and executing the desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing, said system comprising:

a functional module storage means for storing a plurality of functional module classes, said functional module storage means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device"), wherein each of said functional module classes

has a coded processing logic for processing at least a portion of the unit-program (see claim 1 rejection above);

a configuration information storage means for storing a plurality of configuration information corresponding to each of a plurality of data processing processes, said configuration information storage means being provided in the server computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device"), wherein said configuration information includes at least request information to read out least one of the functional module classes and a processing condition (see claim 1 rejection above);

a configuration information request means for requesting at least one of the configuration information for executing the data processing process (see claim 2 rejection above), said configuration information request means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device");

a configuration information read-out means for reading out at least one of the configuration information corresponding to said request from the configuration information request means (see claim 2 rejection above), said configuration information read-out means being provided in the server computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device");

a unit-program generating means for reading out at least one of the functional module classes corresponding to said at least one of the configuration information from

said functional module storage means, said unit-program generating means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device"), wherein said unit-program generating means dynamically generates a unit-program by using the coded processing logic from said functional module classes (see claim 1 rejection above); and

a unit-program processing means for dynamically executing said unit-program based on said processing condition included in said configuration information (see claim 1 rejection above), said unit-program processing means being provided in the client computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device").

As per *claim 4*, Yokote further teaches wherein said configuration information storage means stores least one functional module class having a coded processing logic for handling at least one a variable data and a parameter (see col.13, lines 1-45), said definition information input means inputs at least one of definition information to declare the contents of the data processing process and at least one of the variable data and the parameter (see col.13, lines 1-45), said configuration information read-out means reads out at least one of the configuration information from said configuration storage means corresponding to said least one the definition information and the request from said configuration information request means (see claim 1 and 2 rejection above), and said unit-program generating means reads out at least one of the functional module classes including at least one functional module class from said functional

module storage means corresponding to said at least one the configuration information (see claim 1 rejection above), wherein the unit-program generating means dynamically generates the unit-program by using both the coded processing logic from said functional module classes (see claim 1 rejection above) and said least one variable data and the parameter included in the configuration information (see col.13, lines 1-45).

As per *claim 7*, Yokote further teaches wherein said server computer further comprises said functional module storage means, said unit-program generating means, said unit-program processing means and a processing result output means which returns a processing result of the unit-program to at least one of the client computer, the server computer and the data processing server computer (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device").

As per *claim 8*, Yokote further teaches wherein said data processing server computer comprises said functional module storage means, said unit-program generating means and said unit-program processing means (Yokote teaches that the client and the server are interchangeable: see Fig.1 and col.3, lines 9-10: "data processing device").

As per *claim 9*, Yokote further teaches wherein said definition information includes information relating a combination of the functional module classes and a processing order of the functional module classes for executing the data processing process (see col.6, lines 56-62).

As per *claim 10*, Yokote teaches a client computer (see claim 5 rejection above) in a system for dynamically generating and processing a program by connecting to a server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for a data processing process, said client computer comprising: a functional module storage means (see claim 5 rejection above: client comprises such means) for storing a plurality of functional module classes, wherein each of said functional module classes comprises a coded processing logic for processing at least a portion of the unit-program (see claim 1 rejection above); a definition information input means (implicit: see claim 9 rejection above) for inputting at least one definition information to declare the contents of a data processing process to be executed (see claim 1 rejection above); a unit-program generating means (see claim 5 rejection above: client comprises such means) for reading out at least one of said functional module classes corresponding to at least one of the configuration information from said functional module storage means (see claim 1 rejection above) when said at least one of the configuration information including at least request information to read out at least one said functional module classes and a processing condition are sent from the server computer (see claim 1 rejection above: "configuration information storage means"; and claim 5 rejection above: server comprises such means), and then generating a unit-program by using the coded processing logic from said functional module classes (see claim 1 rejection above); and a unit-program processing means (see claim 5 rejection above: client comprises such means) for dynamically executing

said unit-program based on said processing condition included in said configuration information (see claim 1 rejection above).

As per *claim 11*, Yokote further teaches wherein said server computer stores the configuration information used to generate the unit program corresponding to the data processing to be executed (see claim 5 rejection above: server comprises such means), said client computer further comprises a configuration information request means (see claim 6 rejection above: client comprises such means) for requesting at least one of the configuration information corresponding to the data processing to be executed (see claim 2 rejection above).

As per *claim 12*, Yokote teaches a client computer in a system for dynamically generating and processing a program by connecting to a server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing process, said client computer comprising: a functional module storage means (see claim 5 rejection above: client comprises such means) for storing a plurality of functional module classes, wherein each of said functional module classes comprises a coded processing logic for processing at least a portion of the unit-program (see claim 1 rejection above); a configuration information request means (see claim 6 rejection above: client comprises such means) for requesting a configuration to be sent to the client computer corresponding to the data processing to be executed (see claim 2 rejection above); a unit-program generating means (see claim 5 rejection above: client comprises such means) for reading out at least one of said functional module

classes corresponding to at least one of the configuration information from said functional module storage means when said at least one of the configuration information including at least request information to read out at least one said functional module classes and a processing condition are sent from the server computer (see claim 10 rejection above), and then generating a unit-program by using the coded processing logic from said functional module classes (see claim 1 rejection above); and a unit-program processing means (see claim 5 rejection above: client comprises such means) for dynamically executing said unit-program based on said processing condition included in said configuration information (see claim 1 rejection above).

As per *claim 13*, Yokote further teaches wherein said functional module storage means (see claim 5 rejection above: client comprises such means) stores at least one functional module class having the coded processing logic for handling least one of a variable data and a parameter (see claim 1 and 4 rejections above), said definition information input means (see claim 10 rejection above: client comprises such means) inputs at least one of definition information to declare the contents of a data processing process to be executed and at least one of the variable data and the parameter (see claim 1 and 4 rejections above), and said unit-program generating means (see claim 5 rejection above: client comprises such means) reads out at least one of said functional module classes including at least one functional module class for handling at least one of the variable data and the parameter corresponding to said at least one of the configuration information from said functional module storage means when said configuration information including at least information relating to the at least one

functional module class based on said definition information or said request for sending the configuration information are sent from the server computer (see claim 1 rejection above), and dynamically generating the unit-program by using both of the coded processing logic from said at least one functional module class and said at least one of the variable data and the parameter included in the configuration information (see claim 4 rejection above).

As per *claim 14*, Yokote teaches a server computer in a system for dynamically generating and processing a program by connecting to at least one of a client computer and a data processing server computer via a network means, sending and receiving data there between, and making at least one of the client computer and the processing server computer execute a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing, said server computer comprising: a configuration information storage means (see claim 5 rejection above: server comprises such means) for storing a plurality of configuration information including least request information to read out at least one functional module class and a processing condition, wherein each the functional module classes comprises a coded processing logic for processing at least a portion of the unit-program (see claim 1 rejection above); and configuration information read-out means (see claim 5 rejection above: server comprises such means) for reading out at least one of the configuration information corresponding to at least one definition information from said configuration information storage means (see claim 1 rejection above) when said definition information declares the contents of a data processing process to be executed is sent

from the client computer (see claim 1 rejection above: "definition information input means"; and claim 10 rejection above: client computer comprises such means), sending and providing said read-out configuration information to at least one the client computer (see claim 1 rejection above: "unit program generating means"; and claim 5 rejection above: client comprises such means) and the data processing server computer (see claim 7 rejection above: data processing server computer comprises such means), whereby at least one of the client computer and the data processing server computer dynamically generates and processes at least one unit-program based on the processing condition included in the configuration information (see claim 1 rejection above).

As per *claim 15*, Yokote further teaches wherein said configuration information storage means (see claim 5 rejection above: server comprises such means) stores at least one of the configuration information which used for generating said unit-program, corresponding the data processing (see claim 2 rejection above or claim 3 rejection above), and said configuration information read-out means (see claim 5 rejection above: server comprises such means) reads out least one of the configuration information corresponding said request for the configuration information (see claim 2 rejection above: "configuration information request means") sent from said client computer (see claim 6 rejection above: client comprises such request means).

As per *claim 16*, Yokote teaches a server computer in a system for dynamically generating and processing a program by connecting to at least one of a client computer and a data processing server computer via network a means, sending and receiving

data there between, and making least one of the client computer and the data processing server computer execute a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing, said server computer comprising: a configuration information read-out means (see claim 5 rejection above: server comprises such means) for reading out at least one of configuration information corresponding to a request which corresponds to a data processing be executed from a configuration information storage means (see claim 1 rejection above) when said request to read out the configuration information is sent from the client computer (see claim 2 rejection above: "configuration information request means"; and claim 6: client comprises such means), sending and providing said read-out configuration information to at least one of the client computer (see claim 1 rejection above: "unit program generating means"; and claim 5 rejection above: client comprises such means) and the data processing server computer (see claim 7 rejection above: data processing server computer comprises such means), whereby at least one of the client computer and the data processing server computer dynamically generates and processes said unit-program based on a processing condition included in the configuration information (see claim 1 rejection above).

As per *claim 17*, Yokote further teaches wherein said server computer further comprises: a configuration information storage means (see claim 5 rejection above: server comprises such means) for storing plurality of configuration information coding the coded processing logic for processing at least a portion of the unit-program (see claim 1 rejection above); a unit-program generating means (see claim 7 rejection above:

server comprises such means) for reading out at least one of said functional module classes corresponding to the definition information from said functional module storage means (see claim 1 rejection above) when said definition information for declaring the contents the data processing process to be executed are sent from said client computer (see claim 1 rejection above: "definition information input means"; and claim 10 rejection above), wherein said unit-program generating means dynamically generates the unit-program by using the coded processing logic from said functional module classes (see claim 1 rejection above); a unit-program processing means (see claim 7 rejection above: server comprises such means) for dynamically executing said unit-program based on the processing condition included in said configuration information (see claim 1 rejection above); and a processing result output means for returning a processing result of the unit-program to at least one of the client computer and the data processing server computer (see claim 7 rejection above).

As per *claims 18*, Yokote teaches a method for dynamically generating and processing a program by connecting a server computer and at least one of a client computer and a data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing in at least one of the client computer and the data processing server computer, said method comprising the steps of: storing a plurality of functional module classes into functional module storage means and storing a plurality of configuration information into a configuration information storage means, wherein each of said

functional module classes comprises a coded processing logic for processing at least a portion of a unit-program processing and said configuration information includes at least request information to read out at least one of the functional module classes and a processing condition; inputting at least one definition information to declare the contents of a data processing to be executed via a definition information input means; reading out at least one the configuration information corresponding to said at least one of the definition information from said configuration information storage means via configuration information read-out means; reading out at least one of the functional module classes corresponding to said at least one of the configuration information from said functional module storage means via a unit-program generating means, and dynamically generating the unit-program processing by using the coded processing logic from said functional module classes via said unit-program generating means; and dynamically executing said unit-program of the data processing based on the processing condition included in said configuration information via a unit-program processing means (see claim 1 rejection above).

As per *claim 19*, Yokote further teaches wherein said method further comprises the steps of: storing the configuration information corresponding to the data processing to be executed into said configuration information storage means wherein said configuration information is used for generating the data of the unit-program, requesting at least one of the for used configuration information for executing the data processing via a configuration information request means, and reading out the configuration information from said configuration information storage means based on the request of

said configuration information request means via the configuration information read-out means (see claim 2 rejection above).

As per *claims 20*, Yokote teaches a method for dynamically generating and processing a program by connecting a server computer and at least one of a client computer and a data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing in at least one of the client computer and the data processing server computer, said method comprising the steps of: storing a plurality of functional module classes into functional module storage means and storing a plurality of configuration information into a configuration information storage means, wherein each of said functional module classes comprises a coded processing logic for processing at least a portion of a unit-program processing and said configuration information includes at least request information to read out at least one of the functional module classes and a processing condition; inputting at least one definition information to declare the contents of a data processing to be executed via a definition information input means; sending the configuration information corresponding to contents of a data processing to be executed via a configuration information request means (see claims 18 and 19 rejections above); reading out at least one the configuration information corresponding to said at least one of the definition information from said configuration information storage means via configuration information read-out means; reading out at least one of the functional module classes corresponding to said at least one of the configuration

information from said functional module storage means via a unit-program generating means, and dynamically generating the unit-program processing by using the coded processing logic from said functional module classes via said unit-program generating means; and dynamically executing said unit-program of the data processing based on the processing condition included in said configuration information via a unit-program processing means (see claim 19 rejection above).

As per *claim 21*, Yokote teaches a computer-readable and -recordable media for controlling at least one of a client computer and a data processing server computer comprising a system for dynamically generating and processing a program by connecting a server computer and at least one of the client computer and the data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing in at least one of the client computer and the data processing server computer, said media comprising: a controlling program for storing a plurality of functional module classes having a coded processing logic; a controlling program for reading out at least one of said functional module classes and for dynamically generating a unit-program processing by using the coded processing logic of said functional module classes; a controlling program for dynamically executing said unit-program of data processing based on a processing condition included in said configuration information (see claim 1 and 10-13 rejections above).

As per *claim 22*, Yokote teaches a computer-readable and -recordable media for controlling at least one of a client computer and a data processing server computer comprising a system for dynamically generating and processing a program by connecting a server computer and at least one of the client computer and the data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing in at least one of the client computer and the data processing server computer, said recordable media comprising: a controlling program for storing a plurality of configuration information including at least one functional module read-out information and a processing condition, wherein a plurality of functional module classes code a logic of a data processing process to be executed; a controlling program for reading out the configuration information and for sending the read-out configuration information to at least one of the client computer and data processing server computer when definition information to declare the contents of the data processing process to be executed is sent from the client computer; a controlling program for storing the configuration information including a read-out information for reading out said functional module classes that code the logic of the data processing; and a controlling program for reading out the configuration information and for sending the read-out configuration information to at least one of the client computer and the data processing server computer when the definition information to declare the contents of the data processing process to be executed are sent from the client computer (see claim 1 and 10-13 rejections above).

As per *claim 23*, Yokote further teaches wherein said media further comprises a controlling program for storing at least one of configuration information corresponding to the data processing to be executed, said configuration information is used for generating a unit-program processing, and a controlling program for reading out at least one of the configuration information based on request information for reading out the configuration information corresponding to the data processing to be executed when said request is sent from the client computer (see claim 2 rejection above).

As per *claims 24*, Yokote teaches a computer-readable and -recordable media for controlling at least one of a client computer and a data processing server computer comprising a system for dynamically generating and processing a program by connecting a server computer and at least one of the client computer and the data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing in at least one of the client computer and the data processing server computer, said media comprising: a controlling program for storing a plurality of functional module classes having a coded processing logic; a controlling program for outputting a request of the configuration information corresponding a data processing to be executed; a controlling program for reading out at least one of said functional module classes and for dynamically generating a unit-program processing by using the coded processing logic of said functional module classes when the configuration information including at least functional module read-out information and a processing condition a are sent from said

server computer; a controlling program for dynamically executing said unit-program of data processing based on a processing condition included in said configuration information (see claim 1 and 10-13 rejections above).

As per *claim 25*, Yokote teaches a computer-readable and -recordable media for controlling a server computer comprising a system dynamically generating and processing a program by connecting a server computer and least one of the client computer and the data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process by dynamically generating and processing at least one unit-program for data processing in least one of the client computer and the data processing server computer, said media comprising: a controlling program for storing configuration information including at least functional module read-out information corresponding to a data processing and a processing condition, wherein a plurality functional module classes code a logic of data processing; and controlling program for reading out the configuration information and for sending the read-out configuration information to at least one the client computer and the data processing server computer when a request for the configuration information corresponding to the data processing to be executed are sent from the client computer (see claim 1 and 14-16 rejections above).

As per claim 26, Yokote teaches a program transfer system for transferring and downloading a controlling program to at least one of a client computer and a data processing server computer comprising a system for dynamically generating and processing a program by connecting a server computer and at least one of the client

computer and the data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process, said program transfer system comprising: a program storage means for storing a controlling program for storing a plurality of functional module classes having a coded processing logic, a controlling program for reading out at least one said functional module classes when definition information is provided to the server computer and the configuration information including at least functional module read-out information to declare the contents of a data processing process to be executed and a processing condition are sent from the server computer, and for dynamically generating a unit-program processing by using the coded processing logic of said functional module classes, and a controlling program for dynamically executing said unit-program of data processing based on the processing condition included in said configuration information; a program read-out means for reading out the controlling program from said program storage means based on a request from at least one of the client computer and the data processing server computer; and a transfer means for transferring said read-out controlling program to at least one of the client computer and the data processing server computer (see claim 1 and 10-13 rejections above).

As per claim 27, Yokote further teaches wherein said program storage means stores a controlling program which stores at least one of the configuration information corresponding to the data processing to be executed, said configuration information is used for generating the unit-program processing, and reads out at least one of the configuration information based on a request reading out the configuration information

corresponding to the data processing to be executed when said request is sent from the client computer (see claim 2 rejection above).

As per claim 28, Yokote teaches a program transfer system for transferring and downloading a controlling program to at least one of a client computer and a data processing server computer comprising a system for dynamically generating and processing a program by connecting a server computer and at least one of the client computer and the data processing server computer via a network means, sending and receiving data there between, and executing a desired voluntary data processing process, said program transfer system comprising: a program storage means for storing a controlling program for storing a plurality of functional module classes having a coded processing logic, a controlling program for outputting a request for at least one of configuration information corresponding to a data processing to be executed, a controlling program for reading out at least one of said functional module classes when the configuration information including at least functional module at least read-out information and a processing condition are sent from the server computer and for dynamically generating a unit-program processing by using the coded processing logic of said functional module classes, and a controlling program for dynamically executing said unit-program processing based on the processing condition included in said configuration information; a program read-out means for reading out the controlling program from said program storage means based on a request from at least one of the client computer and the data processing server computer; and a transfer means for

transferring said read-out controlling program to at least one of the client computer and the data processing server computer (see claim 1 and 10-13 rejections above).

As per claim 29, Yokote further teaches wherein said server computer comprises said program storage means, said program read-out means and said transfer means (see claim 5 rejection above).

Response to Arguments

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The basis for the argument relies on the specification rather than particularly pointing out the claim number and using the claim language to distinguish from the reference.

Examiner does not agree with the applicant's assertion of how the functional module classes of the present invention differ from the object of Yokote (US 6,105,074 A) because the applicant does not specifically point out any distinction or difference.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "definition information... is written by the non-programming language" as recited in page 38, lines 3-4 of the amendment) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the argument regarding the configuration information and configuration information read-out means, Yokote clearly teaches these limitations because it is implied that when inconsistent objects are discovered, consistent objects are provided to the client for generating and executing the unit-program.

In response to the argument regarding the unit-program generating means, Yokote clearly teaches this limitation by teachings of a data processing device comprising of generating code from intermediate code (objects) for execution.

Based on the broadness of the claim language and the lack of functional substance as well as the lack of functional inter-relationship regarding what data is transmitted to what module to derive at the intended result, Yokote still teaches the claimed invention. Furthermore, it is reminded that the applicant is their own lexicographer and the terminology used such as "functional module storage means", definition information input means", "unit-program generating means", and so on. do not by itself limit the claimed invention. The applicant(s) are suggested to amend the language consistent with the accepted terminology relative to what is known and used in the art, such as kernels, API's, objects, and so on.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

August 23, 2005

SALEH NAJJAR
PRIMARY EXAMINER